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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

In re: Willie N. Moon and Adnette M. Gunnels-Moon, Debtors.	Bankr. Case No. 2:13-bk-12466-mkn Chapter 13
Rushmore Loan Management Services, LLC Appellant, v. Adnette M. Gunnels-Moon & Willie N. Moon, Appellees.	District Court Case No. 2:23-cv-00795-RFB STIPULATED SECOND REQUEST FOR REVISED SCHEDULING ORDER VACATING ALL BRIEFING DEADLINES

1 Appellant, Rushmore Loan Management Services, LLC (“**Rushmore**”), and Appellees,
 2 Adnette M. Gunnels-Moon and Willie N. Moon (“**Debtors**” collectively with Rushmore, the
 3 “**Parties**”) by and through their respective counsel of record in the above-captioned proceeding
 4 hereby make this stipulated request for an order vacating the Parties’ briefing schedule pending
 5 dismissal.

6 The Parties have reached an agreement in principle to resolve this and all related matters
 7 through a mediation administered under the Ninth Circuit Mediation Program (the “**Mediation**”) in
 8 connection with Ninth Circuit Court of Appeals Case Nos. 23-15621, 23-15460, and 23-15365 (the
 9 “**Ninth Circuit Appeals**”). The Parties are in the process of documenting their settlement. As a
 10 result of the settlement, all briefing deadlines in the Ninth Circuit Appeals were vacated by the Ninth
 11 Circuit mediator, with direction to either file a motion to dismiss or contact the mediator by
 12 September 15, 2023. The Parties anticipate filing a dismissal of this appeal from the Bankruptcy
 13 Court once the settlement documentation is finalized and executed. Accordingly, the Parties request
 14 that the Court to vacate the briefing schedule pending dismissal as follows:

	<u>Original Schedule</u>	<u>First Amended Schedule</u>	<u>Requested Schedule</u>
Rushmore’s Opening Brief	7/13/2023	8/28/2023	Vacated pending dismissal
Debtors’ Response Brief	7/27/2023	9/25/2023	Vacated pending dismissal
Rushmore’s Reply Brief	8/10/2023	10/9/2023	Vacated pending dismissal

1
2 **IT IS HEREBY STIPULATED THAT:**

3 The briefing schedule previously set by the Court is vacated. The Parties are directed to
4 either file a motion to dismiss or file a status report with the Court by September 15, 2023.

5
6
7 Dated: August 25, 2023

8 */s/ Christopher P. Burke*

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14 And

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20
21 *Attorneys for Rushmore Loan Management*
22 *Services, LLC*

23
24 **ORDER**

25 **IT IS SO ORDERED.**



26
27 US DISTRICT COURT JUDGE

28 DATED: August 28, 2023.

CERTIFICATE OF SERVICE

On August 25, 2023, I served the following document:

NOTICE OF APPEARANCE AND REQUEST FOR NOTICE AND PAPERS

1. I served the above-named document by the following means to the persons as listed below: ***(Check all that apply)***

- a. ECF System
 - b. United States mail, postage fully prepaid
 - c. Personal Service

2. I personally delivered the document(s) to the persons at these addresses:

For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- d. By direct mail (as opposed to through the ECF System)
 - e. By fax transmission
 - f. By messenger

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: August 25, 2023

Victoria Agunos
(Name of Declarant)

/s/ Victoria Agunos
(Signature of Declarant)